

**First Extraordinary Session
Seventy-second General Assembly
STATE OF COLORADO**

BILLPAPER

LLS NO. 20B-0010.01 Julie Pelegrin x2700

SENATE BILL

SENATE SPONSORSHIP

Lundeen,

HOUSE SPONSORSHIP

Geitner,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVIDING FINANCIAL SUPPORT FOR PARENTS WHOSE**
102 **CHILDREN PARTICIPATE IN REMOTE INSTRUCTION AS A RESULT**
103 **OF THE COVID-19 PANDEMIC, AND, IN CONNECTION**
104 **THEREWITH, CREATING THE REMOTE INSTRUCTION FAMILY**
105 **STIPEND PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the remote instruction family stipend program (program) within the department of revenue (department). The program

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

provides stipends to the parents of students who participate in remote instruction as a result of the COVID-19 pandemic. The parent must use the stipend to cover education-related expenses for the student, which may include child care.

The bill establishes eligibility criteria for receiving a stipend and requires an applicant to submit a sworn affidavit attesting that the applicant meets the criteria and describing the education-related expenses for which the applicant expects to use the stipend. The department must pay a stipend to each applicant, subject to available appropriations. The bill specifies the amount of the stipend.

Each parent who receives a stipend must retain for one year the receipts for the services and items that the parent purchases using the stipend. The department must conduct a representative sample audit of the stipend recipients to confirm eligibility and the use of the stipends. The department must bring legal action to recover any amount that is illegally distributed or used for an illegal purpose. The program is repealed, effective July 1, 2023.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 7 to article 35 of title 24 as follows:

PART 7

REMOTE INSTRUCTION FAMILY STIPEND PROGRAM

24-35-701. Legislative declaration. THE GENERAL ASSEMBLY FINDS THAT THE COVID-19 PANDEMIC HAS SEVERELY IMPACTED THE ABILITY OF SCHOOL DISTRICTS, CHARTER SCHOOLS, BOARDS OF COOPERATIVE SERVICES, AND PRIVATE SCHOOLS TO SAFELY PROVIDE EDUCATIONAL SERVICES TO STUDENTS. IN ATTEMPTING TO PROTECT THE HEALTH AND SAFETY OF STUDENTS, TEACHERS, AND OTHER SCHOOL EMPLOYEES, MANY EDUCATION PROVIDERS HAVE GIVEN PARENTS THE OPTION OF ALLOWING THEIR STUDENTS TO PARTICIPATE IN REMOTE INSTRUCTION FROM HOME OR HAVE CLOSED THEIR SCHOOLS TO IN-PERSON INSTRUCTION DURING PERIODS OF HIGH COVID-19 INFECTION RATES AND REQUIRED STUDENTS TO PARTICIPATE IN REMOTE INSTRUCTION. WHILE

1 THE GOVERNOR AND SCHOOL PERSONNEL HAVE RECOGNIZED THE
2 IMPORTANCE OF KEEPING SCHOOLS OPEN TO IN-PERSON INSTRUCTION,
3 ESPECIALLY FOR YOUNGER STUDENTS, THE GENERAL ASSEMBLY FINDS
4 THAT SCHOOLS MAY CONTINUE TO BE CLOSED FOR EXTENDED PERIODS DUE
5 TO PUBLIC HEALTH CONCERNS AND MANY FAMILIES FACE HEALTH RISKS
6 THAT NECESSITATE KEEPING STUDENTS AT HOME FOR THE SAFETY OF THE
7 STUDENTS AND THEIR FAMILY MEMBERS. THEREFORE, THE GENERAL
8 ASSEMBLY FINDS THAT IT IS NECESSARY TO IMPLEMENT THE REMOTE
9 INSTRUCTION FAMILY STIPEND PROGRAM TO ENSURE THAT THOSE FAMILIES
10 WHO MUST DEAL WITH THE DIFFICULTIES OF EDUCATING THEIR STUDENTS
11 AT HOME DURING THIS CHALLENGING TIME RECEIVE FINANCIAL
12 ASSISTANCE TO MEET THE ATTENDANT EDUCATION-RELATED EXPENSES.

13 **24-35-702. Definitions.** AS USED IN THIS PART 7, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE
16 CREATED IN SECTION 24-35-101.

17 (2) "EDUCATION-RELATED EXPENSES" MEANS EXPENSES FOR
18 SERVICES OR ITEMS, INCLUDING CHILD CARE SERVICES WHILE A STUDENT
19 IS ENGAGED IN REMOTE INSTRUCTION, WHICH SERVICES OR ITEMS THE
20 STUDENT USES IN PARTICIPATING IN REMOTE INSTRUCTION.

21 (3) "FAMILY UNIT" MEANS THE PARENTS OF ONE OR MORE
22 STUDENTS AND THE STUDENT OR STUDENTS, REGARDLESS OF WHETHER
23 THE PARENTS RESIDE TOGETHER.

24 (4) "PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OR
25 LEGAL GUARDIAN OF A STUDENT.

26 (5) "PROGRAM" MEANS THE REMOTE INSTRUCTION FAMILY
27 STIPEND PROGRAM CREATED IN THIS PART 7.

1 (6) "REMOTE INSTRUCTION" MEANS EDUCATIONAL PROGRAMMING
2 THAT IS DELIVERED VIA A DIGITAL FORMAT OR THROUGH OTHER MEANS
3 AND THAT THE STUDENT RECEIVES AT A LOCATION THAT IS REMOTE FROM
4 A SCHOOL.

5 (7) "STIPEND" MEANS A REMOTE LEARNING FAMILY STIPEND
6 ISSUED PURSUANT TO THIS PART 7.

7 (8) "STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED IN A
8 PUBLIC OR PRIVATE SCHOOL IN KINDERGARTEN OR IN ONE OF GRADES ONE
9 THROUGH TWELVE.

10 **24-35-703. Remote instruction family stipend program -**
11 **created - eligibility - application - rules - funding.** (1) THERE IS
12 CREATED IN THE DEPARTMENT OF REVENUE THE REMOTE INSTRUCTION
13 FAMILY STIPEND PROGRAM TO PROVIDE STIPENDS TO PARENTS WHOSE
14 STUDENTS, AS A RESULT OF THE COVID-19 PANDEMIC, PARTICIPATE IN
15 REMOTE INSTRUCTION FOR KINDERGARTEN AND GRADES ONE THROUGH
16 TWELVE AT SOME TIME DURING THE 2020-21 SCHOOL YEAR AND WHO
17 MEET THE ELIGIBILITY REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF
18 THIS SECTION. A PARENT WHO RECEIVES A STIPEND MUST USE THE
19 AMOUNT RECEIVED ONLY FOR EDUCATION-RELATED EXPENSES FOR THE
20 STUDENT. A PARENT MAY APPLY FOR A STIPEND THAT INCLUDES UP TO
21 THREE OF THE PARENT'S STUDENTS SO LONG AS EACH STUDENT MEETS THE
22 REQUIREMENT DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.

23 (2) TO QUALIFY TO RECEIVE A STIPEND, A PARENT MUST
24 DEMONSTRATE THAT:

25 (a) FOR EACH OF THE PARENT'S STUDENTS INCLUDED IN THE
26 STIPEND, THE STUDENT, AS OF THE DATE THE PARENT APPLIES FOR A
27 STIPEND, HAS PARTICIPATED OR IS PARTICIPATING IN REMOTE INSTRUCTION

1 DURING THE 2020-21 SCHOOL YEAR AS A RESULT OF THE COVID-19
2 PANDEMIC EITHER BECAUSE THE SCHOOL IN WHICH THE STUDENT IS
3 ENROLLED CEASED TO PROVIDE IN-PERSON INSTRUCTION FOR ANY PORTION
4 OF THE 2020-21 SCHOOL YEAR OR BECAUSE THE PARENT DECIDES THE
5 STUDENT SHOULD PARTICIPATE IN REMOTE INSTRUCTION DURING ANY
6 PORTION OF THE 2020-21 SCHOOL YEAR TO PROTECT THE HEALTH OF THE
7 STUDENT OR THE STUDENT'S IMMEDIATE FAMILY OR EXTENDED FAMILY
8 MEMBERS; AND

9 (b) THE PARENT'S INCOME FOR 2020 IS FIFTY THOUSAND DOLLARS
10 OR LESS OR THE PARENTS' JOINT INCOME FOR 2020 IS SIXTY-EIGHT
11 THOUSAND DOLLARS OR LESS.

12 (3) NO LATER THAN JANUARY 21, 2021, THE DEPARTMENT SHALL
13 ESTABLISH A SECURE INTERNET PORTAL THROUGH WHICH A PARENT WHO
14 SEEKS A STIPEND MUST APPLY. IN APPLYING FOR A STIPEND, A PARENT
15 MUST SUBMIT AN AFFIDAVIT ATTESTING UNDER OATH THAT THE PARENT
16 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION
17 AND DESCRIBING THE EDUCATION-RELATED EXPENSES THE PARENT HAS
18 ALREADY INCURRED OR EXPECTS TO INCUR THAT WILL BE PAID FOR BY THE
19 STIPEND. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT
20 SHALL ISSUE TO EACH APPLYING PARENT A ONE-TIME STIPEND IN THE
21 AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS FOR THE PARENT'S
22 STUDENT PLUS AN ADDITIONAL FIVE HUNDRED DOLLARS FOR UP TO TWO OF
23 THE PARENT'S ADDITIONAL STUDENTS WHO MEET THE REQUIREMENT
24 SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION. THE TOTAL AMOUNT OF
25 A STIPEND ISSUED TO A PARENT MUST NOT EXCEED TWO THOUSAND FIVE
26 HUNDRED DOLLARS. THE DEPARTMENT MAY ISSUE ONLY ONE STIPEND PER
27 FAMILY UNIT.

1 (4) EACH PARENT WHO RECEIVES A STIPEND SHALL RETAIN FOR
2 ONE YEAR FROM THE DATE OF PURCHASE RECEIPTS FOR THE
3 EDUCATION-RELATED EXPENSES FOR WHICH THE PARENT USES THE
4 STIPEND. IF THE PARENT IS INCLUDED IN THE REPRESENTATIVE SAMPLE
5 GROUP FOR THE AUDIT CONDUCTED PURSUANT TO SECTION 24-35-704, THE
6 PARENT SHALL SUBMIT THE RECEIPTS TO THE DEPARTMENT UPON REQUEST.

7 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY
8 PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE PROGRAM.

9 (6) FOR THE 2020-21 FISCAL YEAR, THE GENERAL ASSEMBLY
10 SHALL APPROPRIATE MONEY FROM THE GENERAL FUND AS NECESSARY TO
11 FUND THE PROGRAM.

12 **24-35-704. Audit.** NO LATER THAN DECEMBER 1, 2021, THE
13 DEPARTMENT SHALL AUDIT A REPRESENTATIVE SAMPLE OF THE PARENTS
14 WHO RECEIVED STIPENDS TO ENSURE THAT SAID PARENTS MET THE
15 REQUIREMENTS SPECIFIED IN SECTION 24-35-703 (2) AND SPENT THE
16 STIPEND FOR EDUCATION-RELATED EXPENSES. IF THE AUDIT PROVIDES
17 EVIDENCE THAT A PARENT WHO RECEIVED A STIPEND DID NOT MEET THE
18 QUALIFICATIONS SPECIFIED IN SECTION 24-35-703 (2) OR EXPENDED ALL
19 OR ANY PORTION OF THE AMOUNT RECEIVED FOR EXPENSES THAT WERE
20 NOT EDUCATION-RELATED EXPENSES, THE DEPARTMENT SHALL COMMENCE
21 LEGAL ACTION TO RECOVER THE AMOUNT ILLEGALLY DISTRIBUTED OR
22 EXPENDED.

23 **24-35-705. Repeal of part.** THIS PART 7 IS REPEALED, EFFECTIVE
24 JULY 1, 2023.

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.